

1907-621  
Lee Co.

Chancery Causes: John L. Carroll vs. Mary R. Carroll

Dixon, Haynes, Oliver, Turner

CA-Divorce

T-Vices



To the Honorable H.A.W. Skeeen Judge of the Circuit Court of  
Lee County, Va.,

Humbly complaining your complainant, John L. Carroll would respectfully represent and show unto your honor, that he is a citizen and resident of Lee County Va., and has been for more than one year before the institution of this suit, that he on the \_\_\_\_ of \_\_\_\_ 1901, married one Mary Dixon, that he was to her a good loving, and dutiful Husband, but that on the other hand, his wife disregarded her marriage vows, and became untrue to ~~him~~ said Husband and about \_\_\_\_ day of Feb. 1907 she took up with another man and went to the State of West Va.,

Your complainant alleges that his said wife has been guilty of acts of adultery with one Rich Haynes, and others, that he has not lived, nor co-habited with her since he had knowledge of her said acts, that said acts of adultery have been committed within five years before the institution of this suit and with out the procurement, <sup>and</sup> connivance of your said complainant. The prayer of your complainant therefore is, that the said Mary Carroll be made a party defendant to the suit and answer the same but not on oath that being waived, that an order of publication be posted and published against the defendant, who is a non-resident, that upon a hearing your honor grant your complainant, a divorce a vinculo Matrimonii, and your complainant prays for all other and further relief generally, that the nature of his case may require or to Equity seem meet and he will ever pray &c.

M. H. Ely, Jr.



atty \$15.00  
 O.P. 3.00  
 Dep. 1.75  
 clark -  
 7 at - 1.00  
 " 4.90  
 25.15  
 11.00  
 14.15

18.50  
 14.15  
 13.5

184  
 John L. Carroll Pff.  
 vs. <sup>Bill in Chancery</sup>  
 Mary Carroll Deft.

1907 1<sup>st</sup> April Rules  
 Spa Not executed  
 Deft. non-resident  
 Contd for O.P.  
 2<sup>nd</sup> April Rules  
 O.P. <sup>Bill filed</sup> completed  
 + cause set for  
 hearing.



John T. Caswell, Pff.  
against ~~the~~ In Chambers,  
Mary Caswell, Deft.

This cause came on this day to be heard upon the bill of complainant and depositions filed therein, order of publication duly posted and published against the non-resident defendant, and was argued by counsel,

On consideration of which, the court being of opinion that the allegations of said bill are fully proven, it is therefore adjudged, ordered and decreed that the Plaintiff be forever divorced from the defendant *ex vinculo matrimonii*, and that the bonds of matrimony be dissolved, between plaintiff and defendant, and the cause is stricken from the docket.



John L. Canall. Plff  
vs. {{ Decree.  
Mary Canall. Deft,

Entered in C.O.B.  
#8, page 285vc-

Enter this.

H. A. W. Slum

May. 21-1907-



The depositions of Elbert Oliver and others taken before me Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, taken at the law office of M.G. Ely in the town of Jonesville, Virginia, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain cause in chancery now pending in the Circuit Court of Lee County in which John L. <sup>is plaintiff</sup> Carroll and Mary R. Carroll is defendant.

Present M.G. Ely, atty for plaintiff.

Elbert Oliver a witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation?

A.-- I am 27 years old, live at Dryden, Va. and farming is my occupation.

Q.2.-- State whether or not you are acquainted with the plaintiff and defendant in this suit and if so how long have you known them?

A.-- I am acquainted with said parties, have known them about five years.

Q.3.-- State if you know where the defendant lives now.

A.-- It is reported that she went to West Virginia with another man, and I know that both of them are gone.

Q.4.-- State whether or not you know of her having been guilty of acts of adultery with other men?

A.-- I do know that she has been guilty of acts of adultery within the last year. I know of her being guilty of adultery with one John Astrop and also Garfield Hendricks, and these acts were committed in the Crab Orchard at her home about seven months ago.

Q.5.-- State whether or not these acts of adultery of which you speak were brought about by the procurement or connivance of the plaintiff.

A.-- The plaintiff did not know anything about it.

Q.6.-- Where did the plaintiff and defendant last co-habit together, and how long has the plaintiff lived in this County next before the institution of this suit?

A.-- They last cohabited together in the Crab Orchard, Lee County, Virginia.



and he has lived in this County for about five years.

Q.7.-- State whether or not they have cohabited together since he had knowledge of her acts of adultery, or since she left him.

A.-- They have not lived together since she left with that other man..

And further this deponent saith not.

Elbert Oliver

Levi Turner another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State you age, place of residence and occupation?

A.-- I am 20 years, live at Dryden, Va., and am farmer.

Q.2.-- Are you acquainted with the plaintiff and defendant in this cause, and if so how long have you known them.

A.-- I am acquainted with said parties, have known them about five years.

Q.3.-- Do you know where she now lives?

A.-- I do not, she went to West Virginia, with another man as it is reported, and they are both now gone, I don't know where they went.

Q.4.--State whether or not you know of the defendant having been guilty of adultery, if you state you do state when and where?

A.-- I know of her being guilty of adultery a year ago next June and it was at her own house. Her husband was gone at the time, and I saw Garfield Hendricks in the bed with her.

Q.5.-- Did her husband have anything to do with these acts, or have any knowledge of them before or at the time they were committed?

A.--I don't think he knew anything about these acts until after she left.

Q.6.-- Where did the plaintiff and defendant last cohabit together and how long has the plaintiff resided in this County?

A.-- They last lived together in this County, and he has lived in the County for about five years. They have not lived together since she left with the other man.



And further this deponent saith not.

Levi Turner

Virginia, Lee County, to-wit:

I, Geo.P.Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of Elbert Oliver and Levi Turner were taken, sworn to and subscribed before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 13th day of May, 1907.

Geo. P. Cridlin  
Commissioner in Chancery.



J. L. Carroll left  
22. { In City.

May R. Carroll left

Depositions of  
Albert Oliver  
Lewis Turner

Filed May 13, 1907.

H. C. Ewing,  
Clerk.

Cover for 75 cts per.



In the Clerk's Office of the Circuit Court of the county of Lee, on the 8th  
day of March, 1907,

John L. Carroll,  
against

Plaintiff

In Chancery,

Mary R. Carroll,  
Defendant

Defendant

The object of this suit is to obtain divorce a vinculo matrimonii.

And an affidavit having been made and filed that the defendant, Mary R. Carroll is  
not <sup>a</sup> resident of the State of Virginia, it is ordered that she do appear here within fifteen days  
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is  
further ordered that a copy hereof be published once a week for four weeks in the The Pennington  
News. and that a copy be posted at the front door of the Courthouse of this county as prescribed  
by law.

A copy—Teste:

W. G. Ely  
p. q.

H. C. Ewing, Clerk.  
By M. E. Hardy, D.C.



John L. Carroll,

vs.

{ ORDER OF  
PUBLICATION

Mary R. Carroll.

Virginia, Lee County, to-wit:

I, H. C. Ewing, County  
Clerk, do certify that I  
posted a true copy of  
The within order of  
publication at the  
front door of the  
Court-house of said  
County on this day,

Given under my  
hand, this the 13th  
day of March, 1907.

H. C. Ewing  
Clerk.



In the Clerk's Office of the Circuit Court of the County of  
Lee

John L. Carroll,  
Plaintiff

against

Mary R. Carroll,  
Defendant

In Chancery,

This day W. E. Ely personally appeared  
before me, W. E. Ely, Deputy for J. A. Ewing, Clerk of the said Court,  
and being duly sworn, made oath that Mary R. Carroll

.....  
defendant in the said suit <sup>a</sup> is not <sub>^</sub> resident of the State of Virginia,.....  
.....  
.....

.....  
Given under my hand as <sup>Deputy</sup> Clerk of the said Court, this 8th day of March, 1907,  
W. E. Ely, D. Clerk



John L. Carroll

VS

{ AFFIDAVIT FOR ORDER  
OF  
PUBLICATION

Mary R. Carroll

M. L. Ely

p. q.

Filed Mar. 8, 1907.

S. C. J. Ewing,  
Clk.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Mary R. Carroll*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *1st* Monday in *April*, 190*7*, to answer a bill in chancery exhibited against *her*  
*by John L. Carroll,*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *8th*,  
day of *March*, 190*7*, and 1 *31*<sup>st</sup> year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk



John L. Carroll

VS

}

SUBPOENA  
IN  
CHANCERY

Mary R. Carroll

M. G. Ely p. q.

To

1st April

Rules

Circuit

Court

1907-



## ORDER OF PUBLICATION

In the Clerk's Office of the Circuit Court of the county of Lee. on the 8th. day of March, 1907.

John L. Carroll, Plain,  
vs. ~~John L. Carroll~~ In Chancery.  
Mary R. Carroll, Def.

The object of this suit is to obtain a divorce a vinculo matrimonii.

And an affidavit having been made and filed that the defendant, Mary R. Carroll is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Pennington News and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy—Teste:

H. C. T. Ewing, Clerk. By  
M. E. Flanary D. C.



John L. Carroll

vs. ) In Chancery.

Mary R. Carroll

This is to certify that the within Order of Publication  
of John L. Carroll vs. Mary R. Carroll was published for ~~for~~ four  
successive weeks in the Pennington News, beginning on the 15<sup>th</sup> day  
of March and ending on the 5<sup>th</sup> day of April, 1907. Given  
under my hand on this the 10<sup>th</sup> day of April, 1907.

W. K. Phillips-----Editor,  
the Pennington News.



Carroll